

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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Report on Rural Broadband Strategy)
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GN Docket No. 09-29

COMMENTS OF THE CITY OF SHAFTER, CA

The City Shafter, California, by its undersigned counsel, submits these brief comments in response to the Federal Communications Commission's (Commission) March 10, 2009 Public Notice seeking comments and recommendations on how the Commission and Secretary of the United States Department of Agriculture (Secretary or USDA) should develop and implement a comprehensive rural broadband strategy.¹

Located in Kern County in the San Joaquin Valley, the City of Shafter, according to the 2000 census, was home to 12,736 people, with a population density of 708.4 people per square mile disbursed throughout Shafter's 18.0 square mile boundaries.² The estimated total population now hovers near 15,000, but, given the local economy's emphasis on agriculture and agriculture-related industries, Shafter's character is distinctly rural—as is also borne out by

¹ See, Section 6112 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), Pub. L. 110-246, 122 Stat. 1651 (2008) (2008 Farm Bill), which directs the Commission, in consultation with the USDA Secretary, to develop a comprehensive rural broadband strategy and submit it as a report to Congress. The Commission's Public Notice further observes that the resulting rural broadband strategy will dovetail with the Congress's more recent requirement under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, 123 Stat. 115 (2009) (Recovery Act), that the Commission develop a comprehensive national broadband plan.

² Note that, in 2005, the City of Shafter expanded its boundaries to 26 square miles, resulting in a then population density of 577 people per square mile.

Shafter's unemployment rate.³ That is, while Kern County's overall unemployment rate jumped to 14.7% during February, 2009, the ranks of Shafter's unemployed swelled to a staggering 25.2%.⁴

The 2000 census also pegged Shafter's median household income at \$29,515, and the median family income at \$31,457. Shafter's per capita income, moreover, was \$10,961—with 22.5% of families and 29.2% of the population falling below the poverty line, including 36.8% of those under age 18 and 11.0% of those individuals age 65 or over. As of 2007, however, Shafter's household income was estimated to be \$41,561, and was, back then, projected to increase to \$45,084 over the next five years—which, of course, now seems unlikely.

Despite these challenging statistics, the City of Shafter, thanks to a broadband initiative begun back in 2005, previously laid the essential groundwork for a multi-year, phased project aimed at diversifying its economy. Because Shafter lies within 300 miles of 14% of the U.S. population, this project focused on developing (a) what is now known as the International Trade and Transportation Center, an intermodal transportation hub with railroad access, via the BNSF Railway, to the Port of Oakland, as well as (b) resulted in plans for a municipal fiber-to-the-premise (FTTP) network. Thus, the City of Shafter views its municipal fiber network, Shafter Fiber Network, as the cornerstone of its vision to provide its rural citizens with high-speed access—as well as to ensure the viability of its International Trade and Transportation Center, which has begun to attract the attention of national retailers who appreciate Shafter's readily available workforce and strategic location as a distribution center.

³ To be sure, Shafter views itself as a rural community, and has long sought to bridge for its citizens the “digital divide” that seems to separate rural America from its urban and suburban counterparts.

⁴ See, March 20, 2009, article, “Kern's Unemployment Jumps to 14.7%,” in The Bakersfield Californian, at <http://www.bakersfield.com/1585/story/721925.html>.

Shafter began construction on the first leg of its fiber backbone in Fall, 2007, deploying four miles of fiber to connect its city facilities, including City Hall, Police Department, Courthouse, Correctional Facility, and local School District facilities. Significantly, the City has another 12 miles of completed engineering awaiting funding and construction to build out rest of the network.

For a rural community like the City of Shafter—that has, long before the Recovery Act, initiated the process for developing a fiber-based broadband network—an effective rural broadband strategy is one that advocates a “doing-it-right-the-first-time” deployment of future-proof networks that will not require significant upgrades five, 10, or even 20 years from now. And for Shafter, given its flat topography and open spaces, that means deploying an FTTP network. Of course, to build that FTTP network, Shafter also believes that the Commission’s rural broadband strategy should ensure that rural municipal networks qualify for Recovery Act funding, whether in the form of loans or grants.⁵

To that end, and in the interest of promoting the interagency coordination of Federal agencies in the adoption of policies, the promulgation of streamlined procedures, and the fair targeting and awarding of broadband proceeds under both the Recovery Act and the existing RUS broadband programs, the City of Shafter urges the Commission, in concert with the USDA Secretary, to recalibrate and harmonize the meaning of “rural area” so that, rather than rely on mere population statistics, the definition of “rural area” is less constrictive when applied to communities with distinctly and predominately rural characteristics. Particularly where the Recovery Act funds are concerned, Shafter believes the responsible agencies should strive to

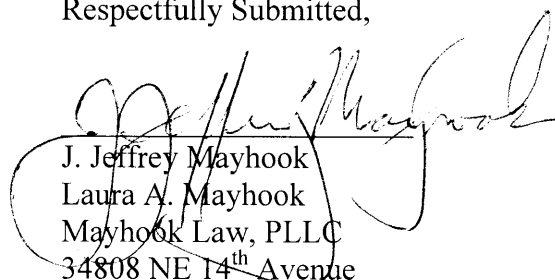
⁵ To put in the politest terms, the large incumbent carriers that serve communities like Shafter have little incentive to deploy fiber and other wise invest in poorer rural communities, leaving such communities with no alternative other than to seize their own destiny when it comes to deploying fiber-based networks.

respond to the needs of deserving communities that fall outside the ambit of traditional RUS programs.

Bringing affordable broadband services to all Americans will necessarily require contributions from all sectors: national carriers, independent LECs, CLECs, broadband wireless providers, broadband cable providers, and municipalities. Indeed, municipalities like the City of Shafter are uniquely positioned to kick-start the expansion of broadband services to their citizens—as well as long-term competition—by investing in their communities where others won't.⁶ Thus, the City of Shafter urges the Commission to ensure that its comprehensive rural broadband strategy acknowledges and supports the positive contributions that municipalities can make towards the advancement of universal broadband availability.

The City of Shafter thanks the Commission for the opportunity to provide these comments, and looks forward to following the progress of the final report to Congress.

Respectfully Submitted,



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⁶ Significantly, despite the fact that two of California's main fiber-optic transport backbones pass through Shafter's city limits, both carriers have effectively blocked the City's Shafter Fiber Network from access to their facilities. So, for the moment, despite the fact that Shafter literally lies within close proximity to the "information superhighway," its own network lacks an on-ramp.